



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Board (Department) of Education
<b>Virginia Administrative Code (VAC) citation</b>	8 VAC 20-160
<b>Regulation title</b>	Regulations Governing Secondary School Transcripts
<b>Action title</b>	Revision of information requirements for secondary school transcripts and profile data sheets.
<b>Date this document prepared</b>	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

The Regulations Governing Secondary School Transcripts provide definitions, format options for transcripts and profile data sheets, and the elements for weighting courses. One section of the regulations states that the regulations became effective beginning in the 1988-89 school year. The purpose of these proposed revisions is to remove the 1988-89 effective date provision, revise the definitions as necessary to comport with those in other Board of Education regulations, and revise the format options for the transcript and profile data sheets to reflect both Board of Education regulations and state law. The sections concerning class ranking, AP courses and the elements of weighting have been revised to ensure that they comport with best instructional practices, as well as other state requirements.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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Section 22.1-16 of the Code of Virginia vests the Board of Education with the authority to adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of Title 22.1.

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

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This action is essential to protect the welfare of the commonwealth's school-age population. The goals of the proposed revisions are to strengthen the transcript regulations and to bring the regulations into conformity with amended or new state and federal laws as well as the needs of higher education. The revised regulations contain provisions for documenting diploma types and career and technical certifications, advanced-level programs, weighting of courses, and options in reporting class rank. The revisions also provide a basis on which the future goal of a digital data exchange format for electronic transcript transmission can be developed.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)*

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The following changes proposed to the secondary school transcript regulations are:

1. Changes to the definitions section to ensure that terms are defined in the same manner as other Board of Education regulations.
2. Changes to the effective date section of the regulations.
3. Revisions to the requirements to ensure that school divisions include type of diploma and career and technical industry certification on the student's secondary school transcript.
4. Revisions to the requirements to ensure that the different types of diplomas are reflected, but that the inclusion of the information does not violate the Family Educational Rights and Privacy Act.
5. Changes to the requirement regarding a student's rank in class to reflect whether the school or program chooses to rank students.
6. Changes to the sections concerning advanced-level courses and the elements of weighting courses to ensure that they comport with other state requirements.
7. Changes from a local student identification number to a state student testing identifier so that data can be collected and analyzed on students from grades PK-16.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

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The proposed revisions are advantageous to the public, the agency, higher education institutions and the Commonwealth at large. There are no disadvantages.

The changes are necessary to align the transcript requirements with the needs of the education system in documenting student performance. The proposed regulatory action includes revisions that better define the requirements of the secondary school transcript with the needs of students, school divisions, and institutions of higher education. In addition, the revisions will allow for the future development of the secondary school transcripts in a digital data exchange format for electronic transcript transmission.

**Requirements more restrictive than federal**

*Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

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There are no applicable federal requirements.

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

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There will be no locality particularly affected by the proposed regulation.

**Public participation**

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

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There will be no impact on small businesses.

Anyone wishing to submit written comments may do so by e-mail to [transcriptregs@doe.virginia.gov](mailto:transcriptregs@doe.virginia.gov) or mail to the Office of Middle and High School Instruction, Faye Rollings-Carter, P.O. Box 2120 Richmond, VA 23218-2120. Comments may also be faxed to 804-786-5466. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last date of the public comment period.

**[The following paragraph is optional:]**

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall Web site ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

**Economic impact**

*Please identify the anticipated economic impact of the proposed regulation.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	There is minimal cost to the state to implement and enforce the proposed regulations. Existing budgets should be sufficient to fund the state’s responsibilities.
<b>Projected cost of the regulation on localities</b>	It is anticipated that additional costs would be minimal.
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	Public middle and secondary schools, local school boards and local school officials, institutions of higher education will be affected by the regulations.
<b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	Middle and high schools in 132 school divisions.
<b>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</b>	It is not possible to estimate the cost of the regulation due to the varying nature of Virginia’s 132 school divisions. However, the cost should be minimal since the proposed regulations do not impose major changes in requirements from previous regulations and the Department of Education offers a template for the transcript for school divisions to use if they choose.

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

There are no viable alternatives to updating secondary school transcripts.

**Regulatory flexibility analysis**

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

A focus group was convened to examine the regulations and make recommendations. The proposed regulations are found to be more comprehensive and are updated to reflect current practices. The recommendations of the focus group were considered during the review process and were incorporated when possible.

**Public comment**

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

Commenter	Comment	Agency response

No comments were received during the NOIRA period.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The change in transcript regulations will have no impact on the institution of the family and family stability.

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8 VAC 20-160-10			<p>“Advanced-level courses/programs” means those academic, career/technical, fine and performing arts, or interdisciplinary high school courses/programs that enable students to acquire and master advanced knowledge. Such courses may be suitable for weighted credit in order to encourage students to take these courses and to be rewarded for the extra endeavor and academic performance these courses/programs require.</p> <p>Rationale: Clarifies language to comport with best practices.</p>
8 VAC 20-160-10		<p>“Advanced course” means a course that presents material and concepts beyond the introductory or the elementary; a course that carries on from an introductory or elementary course given in the same school.</p>	<p>Delete that statement.</p> <p>Rationale: Updates language with other definitions.</p>
8 VAC 20-160-10		<p>“Advanced placement (AP) course” means a course with a syllabus equivalent to the relevant advanced placement syllabus disseminated by the Educational Testing Service.</p>	<p>“Advanced Placement (AP) means an advanced-level course with a syllabus equivalent to the relevant Advanced Placement syllabus disseminated by The College Board.</p> <p>Rationale: Clarifies language consistent with predominant practices.</p>
8 VAC 20-160-10			<p>“Certificate of Program Completion award date” means the date when a certificate of program completion is awarded. A Certificate of Program Completion is not to be included as a diploma option.</p> <p>Rationale: Clarifies language to comport with best practices.</p>
8 VAC 20-160-10			<p>“Commonwealth College Course Collaborative (CCCC)” means a set of approved courses taken in high school that fully transfer as core requirements and</p>

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			<p>degree credits at Virginia colleges and universities.</p> <p>Rationale: Clarifies language to comport with best practices.</p>
8 VAC 20-160-10			<p>“Credit Summary” means the number of courses successfully completed in each discipline as required for graduation.</p> <p>Rationale: Clarifies language to comport with best practices.</p>
8 VAC 20-160-10			<p>“Dual enrollment course” means a course that carries both high school and college credit.</p> <p>Rationale: Clarifies language to comport with best practices.</p>
8 VAC 20-160-10		<p>“Grade point average” means a measure of average scholastic success in all school subjects taken by a student during a certain term or semester, or accumulated for several terms or semesters; obtained by dividing grade points by number of courses taken.</p>	<p>“Grade point average” means a measure of average scholastic success in all high-school-credit-bearing courses taken by a student during a certain term or semester, or accumulated for several terms or semesters; obtained by dividing grade points by number of courses taken.</p> <p>Rationale: Clarifies language to be consistent with predominant practices.</p>
8 VAC 20-160-10			<p>“Graduation Date” means the date when diploma requirements have been met and a diploma is awarded.</p> <p>Rationale: Clarifies language.</p>
8 VAC 20-160-10			<p>“Industry certification credential” means a career and technical education credential that is earned by successfully completing a Board of Education approved industry certification examination, a state issued professional license, or an occupational competency examination.</p> <p>Rationale: Updates language to align with current practices.</p>
8 VAC 20-160-10			<p>“International Baccalaureate (IB) course” means an advanced-level course with a syllabus approved by the International Baccalaureate Organization (IBO) and meeting the criteria offered through the IBO program.</p> <p>Rationale: Clarifies language that comports</p>

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8 VAC 20-160-10		"Honors course" means a course at the high school level, that limits enrollment to exceptionally capable students; provides for independent or tutorial work, places the responsibility for student progress more on the student than on the teachers, emphasizes reading and self-instruction.	with best practices. "Honors courses" means a course offered to academically advanced students to provide opportunities to study and learn with other advanced students and to accelerate their learning in a specific content area. These courses are designed to be more challenging by covering additional topics or some topics in greater depth.  Rationale: Updates language to align with current practices.
8 VAC 20-160-10		"Secondary school profile data" means information given in a summary format of a particular secondary school, such as location, description, achievement data, definition of curriculum, grading scale, grade distribution, weighted grades, rank in class, graduation requirements, and explanation of advanced, accelerated, advanced placement, honors courses.	"Secondary school profile" means information given in a summary format of a particular secondary school, such as location, description, achievement data, definition of curriculum, grading scale, grade distribution, weighted grades, rank in class if a ranking procedure is used, graduation requirements, an explanation of advanced-level, accelerated, honors courses, industry certifications, and other specialized programs.  Rationale: Updates language to align with current practices.
8 VAC 20-160-10		"Secondary course" means a course of study planned especially for people of ages approximately 12 to 17, in which the emphasis tends to shift from master of basic tolls of learning, expression, and understanding to the use of extension of the tolls in exploring areas of thought and living, and in exploring and acquiring information, concepts, intellectual skills, attitudes, social, physical, and intellectual ideas, and habits, understanding, and appreciation.	"Secondary course" means a high school-level course of study that awards high school credits to meet graduation requirements. In addition to providing content and knowledge, secondary courses encourage students to develop higher level thinking skills such as problem solving, critical analyses and syntheses of idea. Students are encouraged to understand, appreciate, and formulate ideas related to scientific, technical and social concepts.  Rationale: Updates language to align with current practices.
8 VAC 20-160-10		"Weighted course" means advanced placement, advanced or honors level courses in which credit is increased usually by reason of quality of work	"Weighted course" means an advanced-level course in which credit is increased as determined by local school board policies and defined on the school profile.  Rationale: Updates language to align with

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		accomplished.	current practices.
8 VAC 20-160-20		The secondary school transcript regulations shall become effective with seventh grade students who take secondary courses for credit beginning in the 1988-89 school year.	The secondary school transcript regulations shall become effective for students, who take secondary courses for credit in 2007-2008.  Rationale: Updates information to align with current practices.
8 VAC 20-160-30		Localities have two options for the secondary school transcript format. They may use the Department of Education model or develop their own following board regulations. Transcripts developed locally shall be approved by the Department of Education. No standard format is required. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers.	Localities have options for the secondary school transcript format. They may use the Department of Education model or develop their own following board regulations. Localities may also use a digital data exchange format for electronic transcript transmission at such time as one is adopted by the Department of Education. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers.  Rationale: Updates information to align with current technology.
8 VAC 20-160-30		3. Student number;	3. State Testing Identifier (STI);  Rationale: Updates information to align with current technology.
8 VAC 20-160-30		5. Sex;	5. Gender;  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-30		9. Type of diploma, to include "Advanced Studies" or "Other Diplomas Authorized by the Board of Education";	9. Type of diploma, to include "Advanced Studies," "Standard," or "Other Diplomas Authorized by the Board of Education;"  Rationale: Updates information to align with current practices.
8 VAC 20-160-30			10. Type of industry certification credential and date of completion, if applicable;  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-30			11. Certificate of Program Completion and award date, if applicable;  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-			12. Notation of Early College Scholar Designation;

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
30			Rationale: Updates language to comport with predominant practices.
8 VAC 20-160- 30		10. Name of schools student attended each year;	13. Name, address, and telephone number of schools student attended each year;  Rationale: Updates language.
8 VAC 20-160- 30		11. Number of days absent within given school year;	14. Number of days absent within given school year:  Rationale: Updates number sequencing.
8 VAC 20-160- 30		12. Course work listed by year with grades;	15. Course work listed by year with grades;  Rationale: Updates number sequencing.
8 VAC 20-160- 30		13. Total credits earned by year;	16. Total credits earned by year;  Rationale: Updates number sequencing.
8 VAC 20-160- 30		14. Total verified credits earned;	17. A list of verified credits earned;  Rationale: Clarifies language.
8 VAC 20-160- 30		15. Credits to date;	18. Credits to date;  Rationale: Updates number sequencing.
8 VAC 20-160- 30		16. Grade point average;	19. Grade point average;  Rationale: Updates number sequencing.
8 VAC 20-160- 30		17. Credit summary for entire school experience;	20. Credit summary for entire school experience;  Rationale: Updates number sequencing.
8 VAC 20-160- 30		18. Key to symbols and abbreviations used to denote accelerated, advanced, advanced placement, honors, and summer school courses;	21. Key to symbols and abbreviations used to denote accelerated, advanced-level courses, Commonwealth College Course Collaborative courses, honors, and summer school courses;  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160- 30		19. Rank in class with given number of semesters used for computation;	22. Notification of whether school/program ranks students; if so, the rank in class with given number of semesters used for computation;  Rationale: Clarifies language to comport with predominant practices.
8 VAC 20-160- 30		20. Final driver education grade;	23. Final driver education grade;  Rationale: Updates number sequencing.
8 VAC 20-160- 30		21. Test record, to include results on college performance-related	24. Test record, to include highest score earned on college performance-related standardized tests such as SAT and ACT,

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
		standardized tests such as College Entrance Examination Board or equivalent, excluding Standards of Learning (SOL) test scores;	excluding Standards of Learning (SOL) test scores;  Rationale: Clarifies language to comport with predominant practices.
8 VAC 20-160-30		22. Signature and title of school official;	25. Signature and title of school official;  Rationale: Updates number sequencing.
8 VAC 20-160-30		23. Date of school official signature;	26. Date of school official signature;  Rationale: Updates number sequencing.
8 VAC 20-160-30		24. School name;	27. School name;  Rationale: Updates number sequencing.
8 VAC 20-160-30			28. School Address  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-30		25. Telephone number of school;	29. Telephone number of school;  Rationale: Updates number sequencing.
8 VAC 20-160-30			30. Fax number of school;  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-30		26. Department of Education code number	31. The school's Department of Education 7-digit code number;  Rationale: Clarifies language.
8 VAC 20-160-40		A secondary school profile data sheet that includes the required information shall be attached to each student transcript sent to colleges, universities, and prospective employers. Schools may furnish additional information. The accreditation status of a high school shall not be included on the school profile data sheet. No standard format is required. The required information is as follows:	A secondary school profile data sheet for each school reflected on the transcript shall be attached to each student transcript sent to colleges, universities, and prospective employers. Schools may furnish additional information. The accreditation status of a high school shall not be included on the school profile data sheet. No standard format is required. The profile data sheet must contain the following information:  Rationale: Updates and clarifies language to comport with predominant practices.
8 VAC 20-160-40		1. Name of guidance director or counselor.	1. Name of school counseling director or school counselor.  Rationale: Updates language to comport with predominant practices.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
8 VAC 20-160-40		4. Achievement data to include College Entrance Examination Board/Scholastic Aptitude test code scores mean Scholastic Aptitude Test score for the graduating class, average Scholastic Aptitude Test/American College Test scores for the school in comparison with Virginia and nation;	4. Achievement data to include SAT and/or ACT test scores using the most recent data available in comparison with Virginia and the nation.  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-40		5. Definition of curriculum;	5. Description of curriculum;  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-40		8. Explanation of advanced placement, advanced, accelerated, and honors courses;	8. Explanation of advanced-level, accelerated, and honors courses;  Rationale: Clarifies language.
8 VAC 20-160-40		10. Rank in class	10. Explanation of rank in class, if applicable;  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-50		AP courses.	Weight of advanced-level courses.  Rationale: Updates and clarifies language to comport with predominant practices.
8 VAC 20-160-50		All advanced placement (AP) courses shall be weighted for computing the student's grade point average.	Advanced Placement (AP) and International Baccalaureate (IB) courses shall be weighted. Local school boards shall determine which other courses/programs are to receive weighted credits, the amount of weight such courses shall receive, and how those weighted credits will be used in the determination of grade point averages in the school or school division.  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-60		Advanced, accelerated, advanced placement, and honors level courses to be weighted shall have the following elements:	If the course is to be weighted, it must have the following elements:  Rationale: Updates language to comport with predominant practices.
8 VAC 20-160-60		1. Defined curriculum	1. Specified curriculum approved by local board or outside agency meeting criteria of program and/or organization;  Rationale: Updates and clarifies language.